

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:06-CR-98

vs.

Hon. Robert Holmes Bell
Chief Judge

DAVID LOGAN FROEDE,

Defendant.

/

UNITED STATES' SENTENCING MEMORANDUM

Now comes the United States of America by and through its attorneys, Margaret M. Chiara, United States Attorney for the Western District of Michigan and Michael A. MacDonald, Assistant United States Attorney, and hereby states as follows:

1. That on or about May 4, 2006, a Grand Jury in the Western District of Michigan returned a one count Information against David Logan Froede alleging mail fraud, contrary to 18 U.S.C. § 1341.
2. That on or about May 8, 2006, the Defendant was arraigned in the United States District Court for the Western District of Michigan, and was released on a \$20,000 unsecured bond.
3. That on or about May 31, 2006, the Defendant entered a guilty plea to the Information pursuant to a written plea agreement.

4. Pursuant to the written plea agreement, the United States makes a non-binding sentence recommendation: (1) that the Defendant receive a 3 level reduction¹ for acceptance of responsibility (The United States notes that the United States Probation Officer agreed that the Defendant had made an appropriate acceptance of responsibility); and (2) that the United States has agreed not to oppose a downward departure motion by the defendant as specified in the plea agreement.

5. Under the Sentencing Guidelines, as calculated in the original presentence report, it appears that the Defendant is eligible for a sentence ranging from 15 to 21 months incarceration.

WHEREFORE, the United States respectfully requests this Court sentence the Defendant in accordance with the Presentence Report and the Plea Agreement.

Respectfully submitted,

MARGARET M. CHIARA
United States Attorney

Date: August 22, 2006

/s/ Michael A. MacDonald
MICHAEL A. MACDONALD
Assistant United States Attorney

¹ The United States believes that the defendant made a timely decision to resolve this case by a guilty plea, which resulted in a substantial savings of time and effort to the United States and the Court. This defendant should receive the additional point for acceptance of responsibility, under U.S.S.G. § 3E1.1(b)(1).